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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,544	05/18/2006	Reinhard Keller	MFA-20202/04	5662
25006	7590	10/01/2009	EXAMINER	
GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C			GAMI, TEJAL	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/575,544	<b>Applicant(s)</b> KELLER, REINHARD	
	<b>Examiner</b> TEJAL J. GAMI	<b>Art Unit</b> 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This office action is responsive to a REQUEST FOR CONTINUED EXAMINATION entered July 23, 2009 for application 10/575544.

### **Status of Claims**

2. Claims 1-16 were rejected in the last Office Action dated April 24, 2009.  
As a response to the April 24, 2009 office action, Applicant has amended Claim 1.  
Claims 1-16 are now presented for examination in this office action.

### **Examiner's Note**

3. Regarding the claims use of the phrase "can be" in claim 1. These words indicate intended use and are not positive limitations. Therefore, claim language following the phrase "can be" is not recited in a definite format. The claim should be amended to a definite format, for example, the phrase "can automatically be reproduced on request" should be written "is automatically reproduced on request."

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Harding (U.S. Publication Number: 2003/0114288).

**As to independent claim 1**, Harding discloses a control (e.g., controller 16) for a machine for the manufacture of paper padding (e.g., cushioning conversion machine for moving the paper material through the machine to create the dunnage material) (see Paragraph [0037] and [0042]), wherein the machine comprises a drive motor (e.g., feed motor 24) having a cutting device (e.g., cutting assembly 26) and a shaping device to form a piece of padding (e.g., forming assembly 20) from a paper web and to cut it off (e.g., cutting the dunnage product) in a desired length (e.g., desired length) (see Paragraph [0046] and [0038]), comprising an input means (e.g., microprocessor 48; keypad) to input a desired length of padding (e.g., particular cut length) (see Paragraph [0046]);

a control unit (e.g., controller 16) (see Paragraph [0037]) having a memory to control the drive motor in response to the input means (e.g., processor 48 uses information to control the gear assembly 22 to store in non-volatile memory 230) (see Paragraph [0081]), wherein an activation of the input means (e.g., processor 48) starts the drive motor and a deactivation of the input means triggers a cutting procedure and stops the drive motor (e.g., activation/deactivation signals to the feed motor) (see Paragraph [0081]) so that the time period of the activation of the input means corresponds to the

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length of padding produced (e.g., length of time that equated to inches of dunnage material) (see Paragraph [0046]), and wherein the control unit (e.g., control) automatically stores said length of padding produced in the memory on deactivation of the input means (e.g., processor 48) and makes it available for a further call up (e.g., activation/deactivation signals to store in the non-volatile memory the total length of pad produced) (see Paragraph [0081]) such that the length of padding just produced can automatically be reproduced on request (e.g., microprocessor 48 then waits for the next key on the keypad to be depressed and repeats the process to produce the length of dunnage corresponding to the key depressed) (see Paragraph [0046]).

**As to independent claim 14**, Harding discloses a machine for the manufacture of paper padding (e.g., pads produced by machine) (see Paragraph [0071]), comprising:

a drive motor (e.g., feed motor 24) having a cutting device (e.g., cutting assembly 26) and a shaping device (e.g., forming assembly 20) to shape a piece of padding from a paper web and to cut it off (e.g., cutting the dunnage product) in a desired length (e.g., desired length) (see Paragraph [0046] and [0038]); and

a control (e.g., controller 16) (see Paragraph [0037]) comprising:

an input means (e.g., microprocessor 48; keypad) to input a desired length of padding (e.g., particular cut length) (see Paragraph [0046]);

a control unit (e.g., controller 16) (see Paragraph [0037]) having a memory to control the drive motor in response to the input means (e.g., processor 48 uses information to control the gear assembly 22 to store in non-volatile memory 230) (see Paragraph [0081]), wherein an activation of the input means (e.g.,

processor 48) starts the drive motor and a deactivation of the input means triggers a cutting procedure and stops the drive motor (e.g., activation/deactivation signals to the feed motor) (see Paragraph [0081]) so that the time period of the activation of the input means corresponds to the length of padding produced (e.g., length of time that equated to inches of dunnage material) (see Paragraph [0046]), and wherein the control unit (e.g., control) automatically stores the length of padding produced in the memory on deactivation of the input means (e.g., processor 48) and makes it available for a further call up (e.g., activation/deactivation signals to store in the non-volatile memory the total length of pad produced) (see Paragraph [0081]).

**As to dependent claim 2**, Harding teaches a control in accordance with claim 1, wherein the stored length of padding can be called up by an actuation, in particular a brief actuation, of the input means (e.g., microprocessor 48) or of a further input means from the memory (e.g., mode selection switch 52) (see Paragraph [0045]), with the manufacture of at least one further piece of padding being triggered automatically in the called up length on the call up of the length of padding (see Paragraph [0071] and [0086]).

**As to dependent claim 3**, Harding teaches a control in accordance with claim 1, wherein the input means is an individual switch (e.g., foot switch) or push button (e.g., keypad buttons) (see Paragraph [0046] and [0053]); and

wherein an input pad (e.g., keypad) is provided in addition to the switch or push button (e.g., foot switch) with which desired lengths of padding can be input into the

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control and/or can be called up out of the control, with the manufacture of at least one piece of padding being triggered automatically in the called up length on the call up of a length of padding (e.g., length of each pad) (see Paragraph [0046] and [0053]).

**As to dependent claim 4**, Harding teaches a control in accordance with claim 3, wherein it permits a directly sequential call up of a respective length of padding with the switch or the push button (e.g., foot switch), on the one hand, and with the input pad (e.g., keypad), on the other hand, without a further input means of the control having to be actuated between these two call ups (see Paragraph [0046] and [0053]).

**As to dependent claim 5**, Harding teaches a control in accordance with claim 3, wherein at least one additional switch or push button (e.g., foot switch; keypad buttons) is provided on whose actuation a standard length of padding stored in the memory is called up, with the manufacture of at least one piece of padding being triggered automatically in the called up length on the call up of the length of padding (e.g., length of each pad) (see Paragraph [0046] and [0053]).

**As to dependent claim 6**, Harding teaches a control in accordance with claim 1, wherein a display device is provided (e.g., view in real-time) (see Paragraph [0071] and [0013]); and

wherein, when the control is switched on for the first time, a standard length of padding stored in the memory is displayed which can be called up by a further input means (e.g., display 54) (see Paragraph [0077]), with the manufacture of at least one piece of padding being triggered automatically in the called up length on the call up of the length of padding (e.g., length of each pad) (see Paragraph [0046] and [0053]).

**As to dependent claim 7**, Harding teaches a control in accordance with claim 1, wherein it has a mode (e.g., mode selection switch 52) (see Paragraph [0045]) in which a combination of the desired number and of the desired length of the pieces of padding to be produced can be at least one of stored and called up (e.g., required number and lengths of pads as determined by a look-up table) (see Paragraph [0086]).

**As to dependent claim 8**, Harding teaches a control in accordance with claim 1, wherein an input means (e.g., microprocessor; keypad) is provided with which a continuous manufacture of pieces of padding in the stored length of padding can be activated (e.g., length of each pad) (see Paragraph [0046]).

**As to dependent claim 9**, Harding teaches a control in accordance with claim 3, wherein the individual switch or push button (e.g., foot switch), the input pad (e.g., keypad) and an input means (e.g., microprocessor 48) for the activation of a continuous manufacture (see Paragraph [0046] and [0053]) are input means of equal priority for the call up of a length of padding, with the manufacture of at least one piece of padding being triggered automatically in the desired length on the call up of the length of padding (e.g., length of each pad) (see Paragraph [0046] and [0053]).

**As to dependent claim 10**, Harding teaches a control in accordance with claim 1, wherein a selection switch (e.g., mode selection switch 52) is provided with which a plurality of memory locations can be selected in the memory in which a produced length of padding can be stored automatically, with the associated stored length of padding being produced in dependence on the position of the selection switch (e.g., mode



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selection switch 52), in particular on the activation of the input means (see Paragraph [0045]).

**As to dependent claim 11**, Harding teaches a control in accordance with claim 10, wherein a further input means (e.g., foot switch; keypad buttons) is respectively associated with the plurality of memory locations to call up a length of padding stored at the respective memory location (see Paragraph [0046] and [0053]), with the manufacture of at least one piece of padding being automatically triggered in the called up length on the call up of the length of padding (e.g., length of each pad) (see Paragraph [0046] and [0053]).

**As to dependent claim 12**, Harding teaches a control in accordance with claim 1, wherein a sensor is connected to it which detects the forthcoming end of the paper web (e.g., lack of paper; presence or absence of dunnage) (see Paragraph [0090] and [0047]); and

wherein the control generates a signal in response to the sensor which in particular interrupts a further operation of the machine at least temporarily (e.g., machine become inactive) (see Paragraph [0090] and [0047]).

**As to dependent claim 13**, Harding teaches a control in accordance with claim 1, wherein it has a connector for an electromagnetic coupling of an auxiliary unit (e.g., electronic dispensing system), with the control controlling the drive motor differently in dependence on whether the electromagnetic coupling is connected (e.g., mode selection switch 52), with the control preferably automatically recognizing whether an

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electromagnetic coupling is connected (e.g., electronic dispensing system) (see Paragraph [0045] and [0047]).

**As to dependent claim 15**, Harding teaches a machine in accordance with claim 14, wherein the control is made as a separate operating part which is connected to the machine via a cable, wherein a holder is in particular provided at the machine for the releasable installation of the control (e.g., cable connection) (see Paragraph [0107]).

**As to dependent claim 16**, Harding teaches a machine in accordance with claim 14, wherein a bus system is provided for the transmission of the control signals from the control to the machine (e.g., input bus 50) (see Paragraph [0053] and [0061]).

### ***Response to Arguments***

6. Applicant's arguments filed July 23, 2009 have been fully considered. The arguments are not persuasive and do not overcome the original art rejection. The following are the Examiner's observations in regard thereto.

#### **Applicant Argues:**

Consequently, unlike the Applicant's invention, there is absolutely no teaching or suggestion in the Harding reference that the length of paper padding just produced is stored and available for immediate call up.

#### **Examiner Responds:**

Examiner is not persuaded. See office action above for newly presented claim limitations anticipated by the prior art.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejal J. Gami whose telephone number is (571) 270-1035. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Albert DeCady/  
Supervisory Patent Examiner, Art  
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/TJG/